

**MINUTES OF THE REGULAR MEETING
OF THE TOWN COUNCIL
TOWN OF CAROLINA BEACH**

April 12, 2005

The Town Council of the Town of Carolina Beach met in regular session on April 12, 2005 at 7:30 p.m. in the Council Chambers at the Municipal Administration Building, 1121 N. Lake Park Blvd., Carolina Beach, North Carolina. The following were present: Mayor, Dennis Barbour; Mayor Pro Tem, Pat Efird; Councilman, Joel Macon; Councilman, Gary Doetsch and Councilman, Jack Lynch. Also present was Town Manager, Calvin R. Peck, Jr. and Town Clerk, Lynn N. Prusa.

Reverend Paul Christ led everyone in the invocation and pledge of allegiance. Immediately following, Mayor Barbour called the meeting to order.

ADOPT THE AGENDA

A motion was made by Mayor Barbour to adopt the agenda with the following changes:

Insert Additional Information ITEM #17

Include the attached letter from Engineering Services recommending award of the project to Graham's Construction, Inc. and bid tabulation.

Add ITEM #21A

Consider Approving a State-Applicant Disaster Assistance Agreement for Tropical Storms Bonnie and Charlie and Adopt a Resolution Designating the Applicant's Agent.

Add ITEM #21B

Consider Approving a Memorandum of Agreement between the State of NC's Division of Water Quality and the Lower Cape Fear River Program Permittees, including the Town of Carolina Beach.

Mayor Barbour requested that 9(c) be pulled from the consent agenda for discussion.

Councilman Doetsch requested that 9(f) be removed from the consent agenda for discussion.

Councilman Macon asked why we are removing 9(f) from the consent agenda when it is to set a public hearing date a month from now. Councilman Doetsch advised that this was the first he had heard of it and would like a chance to look at it better.

Mayor Barbour suggested that we vote on those two items separately.

MOTION CARRIED UNANIMOUSLY.

CONCERNING ITEM 9(C), SET A PUBLIC HEARING DATE FOR MAY 17, 2005 AT 7:30 P.M. OR SOON THEREAFTER TO MODIFY A CONDITIONAL USE PERMIT FROM ARCADIA GROUP TO ADD A PEDESTRIAN BRIDGE FOR THE ARCADIA PROJECT LOCATED AT 3 PELICAN LANE, 218, 222, 224, 237, 239 CANAL DRIVE AND 234, 236, 300, 309, AND 310 CAROLINA BEACH AVENUE NORTH

Councilman Lynch asked to be excused from voting on that item for reasons explained at prior meetings.
MOTION CARRIED UNANIMOUSLY.

Mayor Barbour made a motion to set a public hearing date for May 17, 2005 at 7:30 p.m. or soon thereafter to consider a request to modify a Conditional Use Permit from Arcadia Group to add a pedestrian bridge for the Arcadius project located at 3 Pelican Lane, 218, 222, 224, 237, 239 Canal Drive and 234, 236, 300, 309, and 310 Carolina Beach Avenue North. **MOTION CARRIED UNANIMOUSLY.**

CONCERNING ITEM 9(F), SET A PUBLIC HEARING DATE FOR MAY 17, 2005 OR SOON THEREAFTER TO CONSIDER AN AMENDMENT TO ARTICLE 16 PLANNED UNIT DEVELOPMENT AND SUBSEQUENT SECTIONS OF THE ZONING ORDINANCE

Councilman Doetsch explained that he does not feel that he has enough data to feel comfortable with it, and he would like more time to look at it. He does not mind if it goes to the Planning and Zoning Commission, but he would like for us to hold off for at least a month. Following those comments, Councilman Doetsch made a motion to postpone this item until June 14, 2005 council meeting. **MOTION CARRIED UNANIMOUSLY.**

PROCLAIM APRIL 2005 "FAIR HOUSING MONTH"

On behalf of the Human Relations Commission, Mr. Carl Byrd, Director of the Human Relations Commission, introduced representatives of the commission, Rev. Paul Christ and Chairman Mona Rice-Evans. Mayor Barbour read aloud the proposed proclamation and presented it to Mr. Byrd recognizing "Fair Housing Month."

Immediately following, a motion was made by Mayor Barbour to adopt Proclamation No. 05-819 (Exhibit 1).
MOTION CARRIED UNANIMOUSLY.

RESCHEDULE MAY 10, 2005 REGULAR COUNCIL MEETING TO MAY 17, 2005 AT 7:30 P.M.

Mayor Barbour explained that the purpose for rescheduling the May 10, 2005 regular council meeting is because the majority of Council will be leaving that evening for Town Hall Day on May 11, 2005. At that time, it is an opportunity for Council to meet with our legislators and inform them of our concerns for our community and citizens. During that time, Mayor Barbour said that the legislators also tell us what is happening in Raleigh and what we can do to help support them and influence the outcome.

A motion was made by Councilman Doetsch to reschedule the May 10, 2005 Council meeting to May 17, 2005 at 7:30 p.m. **MOTION CARRIED UNANIMOUSLY.**

RECOGNIZE EMPLOYEES FOR YEARS OF SERVICE

Mayor Barbour recognized Brian Stanberry for 5 years of dedicated service to the Town of Carolina Beach.

Mayor Barbour also recognized Sheila Trott for 20 years of dedicated service to the Town of Carolina Beach. Ms. Trott introduced her husband Don and son Martin. Steve Pagley, Operations Director, thanked Ms. Trott for her work and hopes she stays another 20 years.

Mayor Pro Tem Efird commended Ms. Trott for being a loyal, faithful employee and that it is good to have someone like her working for us. Council agreed.

RECOGNIZE NEW EMPLOYEES

Bill Younginer, Chief of Police, introduced Mike Bojko, Police Officer I and new employee with the police department. Council welcomed him.

Steve Pagley, Operations Director, announced that new employee Dan Shivone was not able to make it tonight, but he introduced Caesar Simpson, Utility Mechanic Worker and new employee in the Water and Sewer Collections Department. Council welcomed him.

Mayor Barbour recognized and welcomed Buddy Kinley back to the Town of Carolina Beach since he has been on military leave for the last 18 months.

PUBLIC DISCUSSION

On behalf of the Signage Committee, Mr. Nick Benson referenced to Council his letter dated April 12, 2005 concerning wayfinding signs along Lake Park Blvd. and Dow Rd that were denied by the Department of Transportation (DOT). Mr. Benson advised that the committee has since pursued privately-owned sites for the needed signage. He said that they have tacit approval for 5 of the 10 locations that they have identified, but 4 of the sites are still being pursued even though he is confident that we will get approval for them. Mr. Benson continued that the fifth site is the Fisherman's parking lot owned by the town and we feel fairly confident about that one. In addition, Mr. Benson mentioned that Mike Hoffer, Code Enforcement Officer, who is on the committee, has expressed that the ordinance would probably not need to be changed to allow these signs and would like to know Council's thoughts about it since they are non-commercial and public information signs.

Furthermore, Mr. Benson said that he is also on the Tourism and Marketing Committee and that committee is of the opinion that the signage is exactly what was envisioned by the legislators when they identified 1½% of the occupancy tax for tourism related expenditures. Although they do not have any quotes for the signs that they envision, the committee feels that they should not be very expensive if they are produced by the town or by the state sign shop. Mr. Benson continued by saying that if the signs are of the type that is on an aluminum substrate with a blue background and white letters, the maintenance should be minimal. Along with the wayfinding signs, Mr. Benson said we are also proposing a new welcoming sign on US Highway 421 at each end of the town. The committee envisions a nicely designed sign including the Carolina Beach logo and tag line "Simple Pleasures, Unexpected Treasures" placed at the bridge approach and at the Alabama Avenue parking lot. Mr. Benson also said that the logo could be on the wayfinding signs creating continuity with the welcome sign and all the marketing efforts that the other 1½% of the occupancy tax has created. In addition,

Mr. Benson understands that the town has a greenhouse and may have some landscaping resources that could be devoted to the area around the welcome sign.

In conclusion, Mr. Benson requested four things from Council. First, he asked if they were still an official ad-hoc committee or a group of concerned citizens. Second, he asked if the Council agreed in principle that the wayfinding and welcome signs should be funded out of occupancy dollars or how it should be approached. Third, he asked if the town would consider helping with the landscaping and maintenance around the welcome signs. Lastly, Mr. Benson asked Council where they should go from here.

After Mr. Benson made his presentation, Councilman Lynch said that he thinks that they are still an ad-hoc committee. He agreed that we need signs and likes the idea of the logo on all the signs for continuity purposes. Councilman Lynch also feels that we could help out with landscaping and recommended that they go ahead.

Councilman Doetsch commented that he, Mr. Benson and Councilman Lynch have met with DOT representatives and they understand the lengthy process of this and the uphill fight so he is not surprised at the response they got from DOT. Councilman Doetsch mentioned that this committee has worked a long time towards this and he supports them.

Mr. Benson advised that they will get some quotes and produce the product and come back to Council with it.

For a matter of record, Mayor Barbour explained that we have been trying to get a welcome sign for Carolina Beach for a number of years, but the DOT rules have changed, which has been a big stumbling block for the welcome sign to Carolina Beach.

Steve Pagley, Operations Director, advised that he met with DOT about two weeks ago and they have agreed to let us install a sign on the other side of the bridge. It will be a standard green sign and they will allow us to put it on the shoulder and install it for us. Mr. Pagley noted that he is working on the encroachment because DOT also gave us permission to plant a garden down the center of the median coming up the bridge.

Councilman Lynch suggested that we work toward getting lights on the bridge too. Mr. Pagley said that he is working on it.

Mayor Barbour commented that all signs that are on the right-of-way have to comply with DOT requirements.

Councilman Doetsch took a brief moment to introduce Mr. Mike Lozlosky who has taken Mark Tinkler's place at DOT. Mr. Lozlosky mentioned to Council that he plans to work with us on some enhancements.

Mayor Barbour thanked DOT for helping us put our sidewalk from Goldsboro Avenue to the intersection of US Hwy 421 at CVS and for funding 80% of it. Councilman Doetsch thanked the Wilmington MPO for their support on that as well.

Mr. Benson asked about the status of the North-End DOT enhancements? Calvin R. Peck, Jr., Town Manager, replied that the Board of Transportation has approved our enhancement grant request, but the problem is those are T21 federal funds. He explained that while the state has approved those funds, those requests go back to the federal government and once approved then we will get the paperwork done to spend the money. Because of this, we are anxiously holding off.

CONSENT AGENDA

Mayor Barbour made a motion to approve the consent agenda as follows:

Approval of the Minutes:

Special Meeting/Workshop	February 24, 2005
Special Mtg/Budget Retreat	February 26, 2005
Regular Meeting	March 8, 2005
Special Meeting	March 31, 2005

Set a public hearing date for May 17, 2005 at 7:30 p.m. or soon thereafter to consider a request for a Conditional Use Permit for a take-out restaurant located at 304 N. Lake Park Blvd.

Set a public hearing date for May 17, 2005 at 7:30 p.m. or soon thereafter to correct an administrative error for zoning from R-1B to MX at 1102 S. Lake Park Blvd.

Set a public hearing date for May 17, 2005 at 7:30 p.m. or soon thereafter to consider an amendment to permissible use table 3.9.1 to remove performance residential (Article 15) from R-1 and R-2 zoning districts and subsequent sections of the Zoning Ordinance and to allow accessory structures in the HB Zoning District.

Set a public hearing date for May 17, 2005 at 7:30 p.m. or soon thereafter to consider an amendment to Article 8 Landscaping and Buffering and Rename Section as Landscaping and Development Specification Standards and to add specifications for sidewalks, curb and gutter refuse collection site enclosures, and general lot clearing specifications.

Set a public hearing date for May 17, 2005 at 7:30 p.m. or soon thereafter to consider an amendment to Article 11 Sign and Handbill Regulations.

Consider Request for Budget Transfers and Amendments:

Fire Department

The Fire Chief is in need of additional monies in his volunteer call pay account 105300.10, he is asking that \$8500 be transferred from account 105300.06-Group Insurance and \$16,491.68 be transferred from account 105300.51-Workmans Compensation and Liability Insurance into this account.

He has also made a second request that \$867.99 be transferred from 105300.16-Maintenance and Repair of Equipment into account 105300.09-Unemployment Expense for costs related to unemployment filings.

Marina Department

The Marina Department is in need of new contracts for the upcoming budget year; however there are no monies available in account 255500.33. Therefore, they are requesting that \$750 be transferred from account 255500.02-Salaries into the above account.

WWT Department

The Wastewater Treatment Department is requesting additional funding in account 308100.16-Maintenance and Repair of Equipment in the amount of \$2000 and in account 308100.33-Supplies in the amount of \$800. The transfer of the funds will come from account 308100.78-Permit Fees. The transfer is needed for anticipated costs through year-end.

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING – CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT AT 207 HAMLET AVENUE (LOT 15) FOR A SINGLE FAMILY/OFFICE

Mayor Barbour announced that this item was originally scheduled for a public hearing this evening; however, in order to meet all legal notice requirements it is necessary to reschedule the public hearing to another date and time. With that said, a motion was made by Mayor Barbour to reschedule the public hearing to April 28, 2005 at 5:00 p.m. **MOTION CARRIED UNANIMOUSLY.**

PUBLIC HEARING – CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT AT 911 N. LAKE PARK BLVD., BOWMAN'S SEAFOOD RESTAURANT FOR A CONFERENCE ROOM ADDITION

Mayor Barbour announced that this item was originally scheduled for a public hearing this evening; however, in order to meet all legal notice requirements it is necessary to reschedule the public hearing to another date and time. Because of this, a motion was made by Mayor Barbour to reschedule the public hearing to April 28, 2005 at 5:00 p.m. **MOTION CARRIED UNANIMOUSLY.**

PUBLIC HEARING – CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT AT 8 PAVILION, UNIT 3, FOR A SANDWICH SHOP

Mayor Barbour announced that this item was originally scheduled for a public hearing this evening; however, in order to meet all legal notice requirements it is necessary to reschedule the public hearing to another date and time. For this reason, a motion was made by Mayor Barbour to reschedule the public hearing to April 28, 2005 at 5:00 p.m. **MOTION CARRIED UNANIMOUSLY.**

PUBLIC HEARING – CONSIDER A REQUEST TO REZONE PROPERTY LOCATED AT 181 S. DOW ROAD FROM CONSERVATION TO I-1 (INDUSTRIAL)

Mayor Barbour announced that this item was originally scheduled for a public hearing this evening; however, in order to meet all legal notice requirements it is necessary to reschedule the public hearing to another date and time. Due to this requirement, a motion was made by Mayor Barbour to reschedule the public hearing to April 28, 2005 at 5:00 p.m. **MOTION CARRIED UNANIMOUSLY.**

PUBLIC HEARING – CONSIDER AMENDING CHAPTER 15 STREETS AND SIDEWALKS, TO INCLUDE A NEW ARTICLE VII SPECIFICATIONS FOR SIDEWALKS, CURBS AND GUTTERS

Mayor Barbour announced that this item was recommended by the Planning and Zoning Commission's for review, and in order to adequately allow them enough time to do that, it is recommended that the public hearing be held on May 17, 2005 instead of this evening in order to meet all legal notice requirements. Therefore, Mayor Barbour made a motion to reschedule the public hearing to May 17, 2005 at 7:30 p.m. **MOTION CARRIED UNANIMOUSLY.**

NEW BUSINESS – CONSIDER A REQUEST FOR A PRELIMINARY PLAT APPROVAL FOR ISLAND PALMS SUBDIVISION LOCATED ON THE EAST SIDE OF NORTH SEVENTH STREET AND WEST OF ISLAND FOREST SUBDIVISION

Scott Chase, Planning & Development Director, asked that Council continue this item to May 17, 2005 meeting at the request of the applicant.

Before moving onto the next item of business, Mayor Barbour made a motion to continue this item to May 17, 2005 at 7:30 p.m. **MOTION CARRIED UNANIMOUSLY.**

NEW BUSINESS – CONSIDER A REQUEST FOR PRELIMINARY PLAT APPROVAL FOR LANIER LANDING SUBDIVISION LOCATED ON THE WEST SIDE OF ST. JOSEPH STREET AND EAST OF PORTSIDE VILLAGE

Scott Chase, Planning & Development Director, made a presentation concerning a request for a preliminary plat approval for Lanier Landing Subdivision located on the west side of St. Joseph Street and east of Portside Village as follows:

BACKGROUND:

The applicant is requesting preliminary plat approval for Lanier Landing Subdivision located on the west side of St. Joseph Street, and east of Portside Village and south of the recently approved Hidden Hills Subdivision. Lanier Landing has a total area of approximately 1.39 acres and will consist of 6 lots. Access to the subdivision will be provided by St. Joseph Street and will consist of a 42' private right-of-way. The portion of the property is located in the A-9 flood zone. The plan as presented has been issued several conditions by the Technical Review Board consisting of the Town Manger, Planning, Operations, Police, Fire and Inspections.

ANALYSIS:

Single-family dwellings are permitted by right in the R-2 zoning district. The minimum lot size is 7,000 square feet and setbacks for structures in this district are 25 feet from the front, 10 feet off the rear, and 7.5 feet from the side yard except on corner lots where 12.5 feet will be required. Maximum height for unsprinklered structures is 50 feet for this district. The maximum lot coverage per lot will not exceed 40% and is within the allowable density for the R-2 zone. The proposed road (Lanier Landing Court) will be 22 feet of pavement (26 feet including curb and gutter and 42 feet of right-of-way). The "T" cul-de-sac will include a 100 ft X 42 ft right-of-way. The subdivision will be required to provide a 6-foot wide streetyard with street trees every 50' on each street including St. Joseph Street and a 10 foot "Type B" landscape buffer around the subdivision. Existing vegetation can be used and is encouraged. Street lighting, street trees, sewage disposal facilities,

stormwater drainage facilities and other utilities shall be constructed that meet the minimum requirements of the Town of Carolina Beach Subdivision Regulations.

STAFF RECOMMENDATION:

Planning Staff recommends approval of this preliminary plat subject to the following conditions. Final plat may not be submitted for approval until all conditions, revisions, changes and submissions are made. The conditions, revisions, changes and submissions to be made are as follows:

1. Before the preliminary is signed for approval the following items must be included on the plat:
 - a. Layout of all lots and building sites including building setback lines and lot divisions; scaled dimensions of all lots and lots on curvilinear sections of roads; utility easements with width and use on all lots.
 - b. Make a note stating the intention to preserve trees with a caliper of 4" or greater outside the buildable area.
2. A stormwater plan must be submitted and approved prior to approval of the preliminary plat. The stormwater system must be installed according to approved plans and a letter signed and sealed by a licensed engineer must be provided verifying that the system is properly installed and functioning prior to recordation of the final plat.
3. Approval letter from the Division of Land Quality for Sedimentation and Erosion Control.
4. Approval letter from the Division of Water Quality-Public Water Supply Section.
5. Fill permit and approval letter from the Army Corps of Engineers.
6. Street trees and Type "B" bufferyard shall be installed according to preliminary plat submittal. Existing vegetation can be used for this requirement.
7. A drainage plan that will include all portions of the development shall be submitted. This plan shall be prepared and sealed by a registered surveyor or engineer. The plan shall provide for a drainage system for these areas that will accommodate a storm event without flooding or substantial ponding of water in the areas included in the plan. The plan must also accommodate any discharge from properties in upland portions of the drainage basin that flows through the property for the same storm event for the type development for which that property is zoned. The boundary of any drainage area on a portion of the site and/or upland from the site shall be shown on a map. The location, size and/or capacity of all structures included in the drainage system shall be shown on the plan and calculations used in designing the drainage system shall be submitted in a legible format. This plan may be included in the street and drainage plan, storm water management plan or on the preliminary plat, as long as the design professional certifies that the specific drainage plan submitted complies with these requirements and the information required is shown or submitted as noted.
8. Section 12-130 (The Planning and Zoning Commission shall require the subdivider to construct a concrete sidewalk on one (1) side of all frontage streets and on one (1) or both sides of all other streets within the subdivision. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Planning and Zoning Commission. **TRC recommended that a minimum of a 4' wide sidewalk be installed within the subdivision and a 5' wide sidewalk on St. Joseph Street.**
9. Lot coverage for any lot located within the subdivision shall not exceed 40% maximum lot coverage.
10. Road names must be in compliance with the New Hanover County listing of road names.
11. Designate ownership of all open space. Include note on preliminary and final plat that all infrastructure that is not dedicated to the Town shall be owned and maintained by a Home Owner's Association or other approved method-
Maintenance of permanent open space, parking, streets, drainage systems, utilities, and other such facilities-

All common facilities shall be maintained for their intended purpose as expressed in the approved final site plan. The method of providing for such maintenance shall be submitted prior to Certificate of Occupancy by one (1) or more of the following:

- a. Establishments of an association or nonprofit corporation of all individuals or corporations owning property within the subdivision for the purpose of ensuring maintenance of common facilities.
- b. Retention of ownership, control, and maintenance of common facilities by the developer or Home Owner's Association.

12. No plantings, structures and fencing shall be placed within any easements located within the subdivision.

13. Grading, surfacing, curb and gutters, sidewalks, street lighting, street trees, sewage disposal facilities, stormwater drainage facilities, and other utilities shall be installed and certified by a surveyor and/or engineer or Performance Guarantee provided prior to recordation of the final plat

The Planning and Zoning Commission heard this proposal at its March 10, 2005 regularly Scheduled Meeting. The Planning and Zoning Commission unanimously recommended approval of the request subject to the required findings and staff conditions above and the following additional conditions or changes:

- 1. Lot setback requirements shall be worked out with the planning staff prior to approval.**
- 2. Funds for the curb, gutter and sidewalks along Saint Joseph Street should be bonded until such time that the Town can generate a contiguous installation along that area.**

Following Mr. Chase's presentation, Mayor Pro Tem Efirid reported that she received a concern about the drainage from a citizen who is an adjacent property owner. Mayor Pro Tem Efirid asked if anyone has talked with the citizen.

Mr. Chase said that Mr. Phil Tripp, representative for this subdivision, might have talked with some of the adjoining property owners and he is here tonight to answer any questions. Mayor Pro Tem Efirid requested that someone talk to Bobby McConville about it because he has previously addressed his concern about the drainage.

Mr. Tripp told Council that he would be happy to talk to Mr. McConville about it. Mayor Pro Tem Efirid thanked Mr. Tripp for doing that.

Calvin R. Peck, Jr., Town Manager, shared with Council that staff has some concerns over the recommendations coming from the Planning & Zoning Commission that we just do not understand. Mr. Peck explained that the Technical Review Committee (TRC), which consists of most of the department heads, has pretty consistently recommended to the Planning & Zoning Commission curb, gutter, and sidewalks interior to the subdivision and then exterior to whatever the adjacent street might be. In looking at Item #15 on the agenda, Mr. Peck stated that the Planning & Zoning's recommendation was to delete the sidewalks within the subdivision, but to put sidewalks, curb and gutter on 7th Street, a street that does not have curb, gutter and sidewalks. However, in looking at Item #16 on the agenda, Mr. Peck explained that the Planning & Zoning Commission's recommendation is to keep the sidewalks within the subdivision and essentially delete them on St. Joseph Street until such time in the future when we can have a continuous installation along the area. Mr. Peck feels that we are not sending a consistent signal and the TRC is questioning what the standard is. Mr. Peck informed Council that the TRC thought the standard was that the sidewalks are interior, and then curb and gutter whatever the street that it meets, whether it be on St. Joseph Street in this case, or 7th Street in the other case. Yet, Mr. Peck said that for some unknown reason in the first case, we remove the interior sidewalks, but we keep the sidewalk on 7th Street. However in the next case, we keep the sidewalks interior and delete them on St. Joseph Street so we do not understand what the standard is. Mr. Peck asked that Council tell staff and the

Planning & Zoning Commission what is the standard because there is no rhyme or reason to what has come forward from the Planning & Zoning Commission.

Mayor Pro Tem Efirid thinks there should be sidewalks inside every subdivision and she does not agree with deleting the sidewalks in this subdivision for Item #15 on the agenda. She thinks we are making a mistake if we do not require these developers to go in there and install lighting, sidewalks, curb and gutter. She does not think that we are enhancing the town's image and looks by not doing that.

Mr. Peck addressed Mayor Pro Tem Efirid's comments and advised Council that this has been the position of the TRC and the recommendations that have gone forward to the Planning & Zoning Commission. In these two cases, Mr. Peck does not understand why sidewalks in Island Palms Subdivision are deleted, but in the proposal for Lanier Landing Subdivision they are kept. He added that if we wait until we have a continuous sidewalk, curb and gutter on 7th Street before we install them, it is never going to get done, yet we required it in the last subdivision.

Councilman Doetsch and Councilman Lynch agreed with Mayor Pro Tem Efirid.

Councilman Doetsch does not think we need to waiver on this because it certainly does not send a clear signal to the Planning & Zoning Commission or to the people wanting to develop the properties. He feels we need to uphold what we have done in the past.

Councilman Macon disagreed and felt that it does not make sense to put sidewalks in a small subdivision of six lots so he understands about that. Although, he does not see any reason for sidewalks in a small subdivision, he does see a need to begin to install them on the primary streets. Councilman Macon questioned what you would need sidewalks for in a small subdivision.

Mayor Pro Tem Efirid thinks it is wrong not to install sidewalks and lights.

Mr. Chase also informed Council that we plan to put this into the development standard that is going to the Planning & Zoning Commission as a set standard so there is no waiver. He further explained that we have a landscape section, Chapter 8 of the Zoning Ordinance, and we have enlarged the scope on it to include basic development standards so that all developments have curb, gutter and sidewalks. It includes 4 foot interior sidewalks within a subdivision and 5 foot sidewalks on the primary street. If there is a standard in the Zoning Ordinance then there is no question. This will go to the Planning & Zoning Commission for recommendation Thursday night.

Mayor Barbour recalled that this proposed change in Chapter 11, Article 8, is a result of our joint meeting with the Planning & Zoning Commission when we talked about sidewalks and the Lighting Ordinance.

Councilman Lynch questioned if there is one lot, would they be required to put a sidewalk in front of it?

Mr. Chase responded that he feels those are the types of scenarios that need to be discussed Thursday night. Mr. Chase told him that the current subdivision regulations read that the applicant can make a request at the Planning & Zoning Commission meeting to eliminate sidewalks.

Councilman Macon asked Mr. Chase what is considered a subdivision now? Mr. Chase responded that it is more than 5.

Mayor Barbour called attention to what he has heard from Mayor Pro Tem Efird, Councilman Doetsch and Councilman Lynch. Mayor Barbour feels that we should stay with the TRC's recommendations because that is the direction that we have given the Planning & Zoning Commission to go by in terms of amending Chapter 15, Article 8, of the specifications for sidewalks, curb and gutters.

After discussion among Council, Mayor Barbour made a motion to approve the preliminary plat for Lanier Landing subdivision striking Condition #2 of the Planning & Zoning recommendations. **MOTION CARRIED UNANIMOUSLY.**

CONSIDER APPROVAL OF BIDS FOR LAKE PARK BLVD. SIDEWALK PROJECT

Steve Pagley, Operations Director, opened his presentation by saying that the town's engineering firm and he put together a bid package and specifications that were reviewed and approved by the Department of Transportation (DOT). The formal bid process was on April 5, 2005 at the Carolina Beach Municipal Chambers for the Lake Park Boulevard Sidewalk Project. Mr. Pagley stated that the low bid price was submitted by Graham's Construction, Incorporated and it is Engineering Services recommendation to award the project to Graham's Construction, Incorporated. Mr. Pagley said that the proposed sidewalk will be installed from Goldsboro Avenue north between the CVS store and the Presbyterian Church.

Mr. Pagley requested that Council award the contract to Graham Construction to start installation of the sidewalk. If approved by Council, Mr. Pagley informed Council that the contractor will start Monday.

Councilman Doetsch asked Mr. Pagley about extending the sidewalk to Dow Road? Mr. Pagley informed him that he does have money in the Tourism Fund for sidewalks and as soon as we start the project he will meet with DOT to request that addition from the church to Dow Road. Mr. Pagley told him that he could get the engineer to start putting something together on that this week for DOT approval.

Mayor Pro Tem Efird asked if we would have enough money to repair some of these sidewalks like the one near Linda's Fashion? Mr. Pagley commented that at the budget retreat, Council directed him to make that part of his budget so probably in the 2005/2006 fiscal year we will allocate funds to do sidewalks.

Councilman Doetsch also mentioned that we are getting a large portion of grant money from DOT to do a lot of this work.

Mr. Peck added that out of about \$80,000, 75% of it is DOT money, but we have a required match so hopefully we can use that money to be matched and extend the sidewalk up to the Dow Road intersection.

Councilman Lynch made a motion to approve and award the bid to Graham Construction, Inc. in the amount of \$68,910.00. **MOTION CARRIED UNANIMOUSLY.**

Mayor Barbour stated that there is a second piece of this to consider, approval of the additional \$11,500 for engineering/survey costs and \$5,410 for additional project fund needs.

Mr. Peck briefed Council that the budget amendment for this project was done months ago so it is not necessary to consider the second piece because the money has already been allocated so there is no action needed.

APPOINTMENT TO THE OPERATIONS ADVISORY COMMITTEE

Mayor Barbour reported that currently the engineer seat is vacant due to the resignation of Mike Hoffer from the Operations Advisory Committee. The vacancy has been advertised and all applications received to date are included for Council to consider.

Mayor Barbour stated that we received an application from Gilbert DuBois. Mr. DuBois is a field engineer for W.D. Dickenson.

After review of the application by Council, a motion was made by Councilman Doetsch to appoint Gilbert Dubois, as the individual to fill the engineer seat, on the Operations Advisory Committee. **MOTION CARRIED UNANIMOUSLY.**

APPOINTMENT TO THE NEW HANOVER COMMISSION FOR WOMEN

Mayor Barbour announced that the town's current representative, Louise May, is unable to continue serving the town in this capacity due to a conflict in work schedule and she has requested that Council consider making an appointment to replace her position as a member of the New Hanover Commission for Women.

Mayor Barbour advised that we have not received any applications to serve on the board. He informed the public and the Island Gazette to ask around the community to see if anyone is interested in serving on the commission.

Councilman Macon suggested Valita Quattlebaum, Public Information Officer, serve on the committee. The town clerk commented that they have asked that the representative not be a staff person, but a resident.

Mayor Barbour recommended that we continue to seek applications for that vacancy.

CONSIDER ADOPTING A RESOLUTION ENDORSING THE 2030 WILMINGTON URBAN AREA LONG RANGE TRANSPORTATION PLAN

Mr. Mike Kozlosky, Senior Transportation Planner with the City of Wilmington/Wilmington MPO requested that Council consider endorsing the 2030 Wilmington Urban Area Long Range Transportation Plan by adopting the proposed Resolution No. 05-818. Mr. Kozlosky reported that he has a copy with him and it can also be found on the website at www.mpo.org. Mr. Kozlosky said that this transportation plan is compiled with strategies, goals and objectives to achieve an efficient transportation system in year 2030. It is federally required to be updated every 5 years and one of the reasons why this plan has been on hold is because we did not have the plan adopted.

As part of the procedures for the long-range transportation plan, Mr. Kozlosky further said that we build and calibrate a model. This plan did not have a model calibrated, but DOT is still working on that along with staff. However, in order to not hold up any additional federal funding, we had to get this plan adopted by our Transportation Advisory Committee (TAC).

Councilman Doetsch also mentioned that at the last TAC meeting we reviewed the plan, but there was some disagreement over the wording and definitions. However, he thinks we have come to a resolution now and feels it was a good effort on everybody's part and supports it.

There being no further discussion among Council, Mayor Pro Tem Eford made a motion to adopt proposed Resolution No. 05-818 (Exhibit 2). **MOTION CARRIED UNANIMOUSLY.**

CONSIDER ADOPTING A PROCLAMATION DECLARING THE WEEK BEGINNING JUNE 27, 2005 AS "CLEAN BEACHES WEEK"

Mayor Barbour announced that this item for Council's consideration is to support the efforts of the Clean Beaches Council by adopting a proposed proclamation declaring the week beginning June 27, 2005 as Clean Beaches Week in the Town of Carolina Beach. Also, Council will consider showing our support by approving the attached letter to Governor Michael Easley.

With no further discussion among Council, a motion was made by Councilman Lynch to adopt Proclamation No. 05-821 (Exhibit 3) and approve the letter to Governor Michael Easley. **MOTION CARRIED UNANIMOUSLY.**

CONSIDER APPROVING A STATE-APPLICANT DISASTER ASSISTANCE AGREEMENT FOR TROPICAL STORMS BONNIE AND CHARLIE AND ADOPT A RESOLUTION DESIGNATING THE APPLICANT'S AGENT

Calvin R. Peck, Jr., Town Manager, informed Council that the August 2004 tropical storms, certain counties were declared state disaster areas although they did not get federal disaster declarations because there was a dollar threshold that we did not meet. However, Mr. Peck continued by saying that New Hanover County and Carolina Beach in particular, were identified to be eligible for state declared disaster assistance for tropical storms Bonnie and Charlie so it requires the designation of an applicant's agent. Mr. Peck said our FEMA representative, Barry Johnson, assists us with this and we anticipate reimbursement in an excess of about \$20,000 in overtime payments as a result of the application. Mr. Peck also pointed out that there is no federal match so the 25% local match would fall back on us, but we might get 75% out of that amount of money. Mr. Peck disclosed that we might not get anything back, but at least we are trying.

Councilman Lynch feels that it is worth the effort.

After Council discussion, Councilman Macon made a motion to adopt Resolution No. 05-822 (Exhibit 4). **MOTION CARRIED UNANIMOUSLY.** Following the passing of the motion, another motion was made by Mayor Barbour to also approve the State-Applicant Disaster Assistance Agreement (NC-2004-EM Tropical Storms Bonnie & Charlie). **MOTION CARRIED UNANIMOUSLY.**

CONSIDER APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE STATE OF NC'S DIVISION OF WATER QUALITY AND THE LOWER CAPE FEAR RIVER PROGRAM PERMITTEES, INCLUDING THE TOWN OF CAROLINA BEACH

Calvin R. Peck, Jr., Town Manager, stated that we are a member of the Lower Cape Fear River Program. Mr. Peck explained that UNCW does the testing that is required of us on the river because of our discharge permit and periodically the State of North Carolina updates these permits. Since the town is a permit holder, Mr. Peck advised that it requires Council's approval of the agreement and he recommends that Council approve the

Memorandum of Agreement between the State of North Carolina's Division of Water Quality and the Lower Cape Fear River Program Permittees.

After Mr. Peck's presentation, Councilman Doetsch made a motion to approve the Memorandum of Agreement between the State of North Carolina's Division of Water Quality and the Lower Cape Fear River Program Permittees. **MOTION CARRIED UNANIMOUSLY.**

OLD BUSINESS – CONSIDER ADOPTING A RESOLUTION RESCINDING RESOLUTION NO. 04-806, ADOPTED DECEMBER 14, 2004, DECLARING CERTAIN TOWN PROPERTY SURPLUS AT 1708 CANAL DRIVE

Calvin R. Peck, Jr., Town Manager, opened his presentation by saying that when we purchased lots 1704, 1706 and 1708 on Canal Drive, the lot at 1708 had a small beach house on it. At first, we asked Council to declare that building a surplus so that we could either sell it or remove it in order to develop the parking lot and restroom facilities. In spite of this, Mr. Peck explained that there were some asbestos siding issues and problems with moving it so instead we are going to leave it where it is. Since the building inspector, police and fire operations have inspected the house, Mr. Peck stated that it was decided that we could retrofit the building for storage, restrooms, lifeguards, etc. Therefore, Mr. Peck requested that Council adopt this resolution, which rescinds declaring the building at 1708 Canal Drive surplus property.

Councilman Lynch mentioned that he went to look at the building and feels we can make use of it as well.

Mr. Peck added that he plans to allocate money in the 2006 budget to retrofit it.

Mayor Barbour wanted to know how we were going to deal with the asbestos side of it. Mr. Peck answered that we are going to leave it and cover it. He explained that the problem is when you start taking it off and breaking it because the dust and fibers get loose and then have to be treated as asbestos waste.

After a brief discussion among Council, Councilman Lynch made a motion to approve proposed Resolution No. 05-820 (Exhibit 5). **MOTION CARRIED UNANIMOUSLY.**

ITEMS NOT ON THE AGENDA

First to speak concerning items not on the agenda was Al Clyburn, Town Attorney. Mr. Clyburn asked for a closed session to discuss a matter involving the Administrative Procedures Act and the Coastal Resources Commission.

Second, Mr. Peck, Town Manager, informed everyone that Mayor Barbour has asked him to attend an Alliance for North Carolina Inlets (ANCI) meeting dealing with the coastal waterways and inlets in Topsail tomorrow. In addition, Mr. Peck told Council that he is scheduled to attend the North Carolina City-County Manager's meeting Thursday in Raleigh. While he is there, he said he would also make a point to visit with our legislators to discuss some of our beach issues. Further, Mr. Peck said that after Town Hall Day on May 12-13, 2005, he plans to go from Town Hall Day to the Emerald Island Coastal Communities Coalition meeting. He asked that Council let the town clerk know if they plan to attend and confirm registration and hotel accommodations by May 9, 2005.

Mayor Barbour commented about the ANCI group. He explained that this was a group first formed in the Swansboro area to seek federal funding for continued shallow draft inlets, but later to expand in our area. The

ANCI has also met with the North Carolina Beach Shore & Beach Association (NCSBA) and have agreed to merge with them in the near future. Mayor Barbour further explained that the NCSBA and the Board of Directors have also chose to change their name, but it is yet to be decided. The reason for doing this is so it doesn't just sound like they are supporting shoreline projects to include shallow draft inlet maintenance and intercoastal waterway maintenance, but so it all inter-relates with one another. The NCSBA also plans to create three additional slots on their board to put those with stakeholders in and around the inlets of North Carolina.

Third, Valita Quattlebaum, Public Information Officer, briefly mentioned to Council that we are working to get the transportation survey in the May water bill.

Fourth, Lynn Prusa, Town Clerk, informed Council that the NC Coastal Communities Coalition meeting is on May 12-13, 2005 following Town Hall Day and Council is invited to attend that meeting. As for Town Hall Day on May 11, 2005, Council would normally travel the day before returning on May 12, 2005. She asked Council to let her know if they plan to attend because she needs to make reservations by April 27, 2005. She is also working on the hotel reservations at the Sheraton Hotel, which is directly across the street from the meeting.

In addition, Mrs. Prusa, announced that Council received a letter from the Exchange Club of the Lower Cape Fear/Wilmington and they are a non-profit community service group. They are asking the area municipalities to support them in their effort by purchasing 50 flags. The flags would be 3" x 5" with 8-foot poles to be erected at the North Carolina Battleship over the Memorial Day weekend. The flags are in honor of our fallen soldiers that have lost their lives in Iraq and Afghanistan since 9/11. This event will be held on May 28, 2005 through May 30, 2005. The flags are \$25.00 a piece and they are asking for Council to consider purchasing 50 of the flags for a total of \$1,250.00. Council agreed to purchase the flags.

Moreover, Mrs. Prusa said they are also asking if Council will attend the dedication ceremony on May 28, 2005 at 11:00 a.m., but she will give Council additional information on that later. Mrs. Prusa further advised that Betsy Cromartie is the coordinator for this event and she is looking for volunteers for May 28, 2005 to help erect the flags. For those interested, Mrs. Prusa said to call 791-5567.

Lastly, Mayor Barbour announced that Col. Ray Alexander, with the U.S. Army District Corps of Engineers, asked us to participate in a stakeholders meeting on April 29, 2005 at the Presbyterian Church located at 3902 Market Street in Wilmington concerning project work that the Corps of Engineers will begin to line up for the 2005/2006 budget year beginning October 2005. Mayor Barbour noted that they have not had a meeting in three years and this is our opportunity to make a case for beach renourishment, waterway maintenance, etc. He thinks we were invited because we have a contract with the Corps of Engineers for beach renourishment. Later, Mayor Barbour said he will inform Council what we are expected to contribute by going to the meeting so we are prepared for it.

There being no further items on the agenda, Mayor Barbour made a motion to go into closed session G.S. 143-318.11(3) to receive advice regarding an administration procedure involving the Coastal Resources Commission. **MOTION CARRIED UNANIMOUSLY.**

Following closed session, a motion was made by Mayor Barbour to go back into open session. **MOTION CARRIED UNANIMOUSLY.**

Mayor Barbour announced that no action was taken.

ADJOURNMENT

There being no further business, Mayor Barbour made a motion to adjourn. **MOTION CARRIED UNANIMOUSLY**. The meeting adjourned at 9:27 p.m.

Respectfully submitted,

Lynn N. Prusa
Town Clerk

APPROVED: _____